

# HOUSE BILL REPORT

## SSB 5054

---

**As Reported by House Committee On:**  
Health Care

**Title:** An act relating to patient authorization of disclosure of health care information.

**Brief Description:** Regarding patient authorization of disclosure of health care information.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Johnson, Kline and Rockefeller).

**Brief History:**

**Committee Activity:**

Health Care: 3/17/05, 3/18/05 [DP].

**Brief Summary of Substitute Bill**

- Requires patient disclosure authorizations regarding health care information to contain an expiration date or expiration event.

---

### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass. Signed by 13 members: Representatives Cody, Chair; Campbell, Vice Chair; Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander, Appleton, Clibborn, Green, Hinkle, Lantz, Moeller, Schual-Berke and Skinner.

**Minority Report:** Do not pass. Signed by 1 member: Representative Morrell, Vice Chair.

**Staff:** Chris Blake (786-7392).

**Background:**

The Uniform Health Care Information Act governs the disclosure of health care information by health care providers and their agents or employees. A health care provider may not disclose health care information about a patient unless there is a statutory exception or a written authorization by the patient. A person who is authorized to consent for the health care of another may exercise those rights on the patient's behalf.

Health care providers must honor authorizations to disclose health care information. Valid disclosure authorizations must: (1) be in writing, dated, and signed by the patient; (2) identify the nature of the information to be disclosed; (3) identify the name, address, and institutional affiliation of the person to receive the information; (4) identify the provider to make the

disclosure; and (5) identify the patient. A disclosure authorization is valid until the expiration date. If the authorization does not have a specified expiration date, it is only valid for ninety days after it is signed. Authorizations to disclose health care information for future health care may only apply to services provided within 90 days of signing the authorization.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) establishes nationwide standards for the use, disclosure, storage, and transfer of protected health information. The HIPAA allows a state to establish standards that are more stringent than its provisions. Entities covered by HIPAA must have a patient's authorization to use or disclose health care information, unless there is a specified exception. A disclosure authorization under HIPAA must have the following core elements: (1) the patient's signature and date of signing; (2) a description of the information to be used or disclosed; (3) an identification of the individuals that may use or disclose the information; (4) an identification of the individuals that may receive the information; (5) a description of the purpose of the use or disclosure; and (6) an expiration date or expiration event.

---

**Summary of Bill:**

The 90 day limitation on the duration of disclosure authorizations that do not have a specified expiration date is removed. The 90 day prohibition on the release of information regarding future health care services more than 90 days after signing an authorization is also removed. An additional element of a valid authorization is added to specify that it must contain an expiration date or an expiration event.

Health care facilities are required to perform the same functions as health care providers with respect to disclosure authorizations, including disclosing information and providing copies. The exception for health care providers maintaining authorizations and revocations related to third party payors is removed.

---

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (In support) In order for springing powers of attorney to be effective, it is generally necessary to have information from a health care provider that the patient can no longer handle their own personal affairs. The current limit of 90 days on the disclosure of future health care can impact the ability of patients to carry out their intentions.

(With concerns) The privacy of medical records must be protected and removing the limitation could have unintended consequences for patients who sign authorizations without fully understanding the effect of what they are signing.

**Testimony Against:** None.

**Persons Testifying:** (In support) Douglas Lawrence, Washington State Bar Association.

(With concerns) Jennifer Shaw, American Civil Liberties Union of Washington.

**Persons Signed In To Testify But Not Testifying:** None.